

BOARD OF APPEALS CASE NO. 4894

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BEFORE THE

APPLICANT: Robert Hardesty, Jr.

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ZONING HEARING EXAMINER

**REQUEST: Variance to enclose an
existing carport; 1330 Gates Head Drive,
Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 2/17/99 & 2/24/99

HEARING DATE: April 14, 1999

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Record: 2/19/99 & 2/26/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Robert J. Hardesty, Jr., is requesting a variance to amend Case No. 2771, to enclose an existing carport in an R2 District.

The subject parcel is located at 1330 Gates Head Drive in the Third Election District. The parcel is identified as Parcel No. 436, in Grid 1-E, on Tax Map 48. The parcel contains .25 acres, more or less, all of which is zoned R2.

Ms. Bridget Hardesty appeared before the Hearing Examiner and testified that the subject parcel is improved by a single-family dwelling with a carport. The witness said that she is requesting a variance to enclose the carport in order to convert the carport into a two-car garage. Ms. Hardesty said that the carport was approved in Board of Appeals Case No. 2771 and that approval of the variance will not further reduce the existing setbacks. She said she did not feel the variance would be detrimental to adjacent properties or materially impair the purpose of the Code because she has spoken with her neighbors regarding the proposal and none of her neighbors appeared to testify in opposition to the request. The witness also said there are other two-car garages in the neighborhood and that approval of the variance will allow the Applicant to enclose the existing carport.

Mr. Anthony McClune, Chief of Current Planning for the Department of Planning and Zoning, appeared and testified that the subject property was found to be unique in Board of Appeals Case No. 2771, and that approval of the variance to enclose the carport will not reduce the existing setbacks. Mr. McClune indicated that the Department of Planning and Zoning recommended five conditions which are contained in the Staff Report.

No protesants appeared in opposition to the Applicant's request.

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CONCLUSION:

The Applicant is requesting an amendment to Board of Appeals Case No. 2771, which granted the then owners of the property a 5 foot variance from the sum of the side yards from 30 feet to 5 feet. The uncontradicted testimony indicates that the existing setbacks will not be further reduced and that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the garage.
2. The garage shall not be used for living quarters.
3. The garage shall not be used in the furtherance of a business.
4. The garage shall not be used for the storage of commercial vehicles and/or contractors' equipment.
5. The exterior of the garage shall be compatible with the materials on the dwelling.

Date MAY 6, 1999

L. A. Hinderhofer
Zoning Hearing Examiner